

REMARKS

This Amendment is fully responsive to the Office Action mailed February 3, 2008. It is respectfully submitted that the claims contain limitations that patentably define over the references cited by the Examiner, for the reasons discussed in these remarks. Therefore, reconsideration and allowance of the pending claims is appropriate and respectfully requested.

Amendments to Specification

The Office Action concludes the Title of the application is not descriptive of the claimed invention, and therefore requires an amendment. The current Title is: "Correction of Measured Values for a Magnetic Localization Device." Claim 1 pertinently recites, as more fully discussed below, a "magnetic localization device" comprising a control unit which is arranged for "correcting the determined position of the field sensor." Claim 6 similarly recites a method for position measurement "with a magnetic localization device" including "correcting the determined position of the field sensor." In light of that claim language, it is believed that the Title as it currently reads properly describes the invention, so no amendments are requested at this time.

The Office Action further objects to page 1, lines 21-22 of the specification for referring to claims 1, 5 and 6. Accordingly, that paragraph has been deleted.

Moreover, one other amendment to the specification is requested above to correct a typographical error.

No new matter is entered by these amendments, as is clear from the context of the amended paragraphs and from the application as a whole.

Objections to Claims 3-4 and 6-7

The Office Action objects to claims 3 and 6 for using the phrase "and/or." Claims 3 and 6 have been amended to remove the phrase "and/or".

The Office Action objects to claims 4 and 7 as lacking antecedent basis for "uncorrected determined position." Claims 4 and 7 have been amended to overcome this objection.

Rejection of Claims 1 and 6

The Office Action rejects independent claims 1 and 6 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,175,756 to Ferre et al. (hereafter “Ferre”). It is requested that these rejections be reconsidered and withdrawn, because Ferre does not disclose “compensating for” “external field distortions” by “correcting the determined position of the field sensor” as recited in both of these claims. They are therefore not anticipated by Ferre.

Ferre does not disclose correcting for external magnetic field distortions by correcting a position measurement, if such external magnetic field distortions are present. Ferre does recognize errors may result from external magnetic field distortions (see Ferre, col. 10, lines 29-30). However, Ferre’s only solution to such potential errors is to monitor whether the magnetic field has been compromised and, if so, suspend operation of the system and inform an operator. See Ferre, col. 10, lines 35-45; and col. 10, line 53 to col. 11, line 4; and col. 11, line 51 to col. 12, line 48. Ferre does not disclose the possibility of compensating for such errors by correcting a position measurement, much less how to do so.

Thus, there is no disclosure in Ferre of correcting for external field distortions, as recited in independent claims 1 and 6. It is therefore requested that the rejection of claims 1 and 6 be reconsidered and withdrawn.

Rejection of Claims 2-4, 7 and 9

The Office Action rejects dependent claims 2-4, 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Ferre in view of what the Office Action describes as Applicant’s admitted prior art (“AAPA”). Without agreeing to the Office Action’s characterization of the alleged AAPA, and for reasons already provided, it is respectfully submitted that the parent claims 1 and 6 of these rejected dependent claims are not anticipated by Ferre. For at least that reason, the obviousness rejections of the dependent claims should be withdrawn as well. It is therefore requested that the rejections of dependent claims 2-4, 7 and 9 be reconsidered.

Allowable Subject Matter of Claims 8 and 10

The Office Action objected to claims 8 and 10 as being dependent upon rejected base claims, but indicated those two claims would be allowable if rewritten in independent form. Claims 8 and 10 have been so amended.

New Claims 11 to 14

New dependent claims 11 through 14 have been added herein. The subject matter of added in claims 11 and 13 finds support at page 4, lines 16 to 23 of the filed application. The subject matter added in claims 12 and 14 finds support at page 4, lines 24 to 34 of the filed application. Therefore no new matter has been added with these new claims.

Conclusion

This Amendment is fully responsive to the Office Action mailed February 3, 2009. It is respectfully submitted that the claims contain limitations that patentably define over the references cited by the Examiner, for the reasons provided in the remarks above. Therefore, reconsideration and allowance of the pending claims is appropriate and respectfully requested.

Respectfully submitted,

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